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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,250	03/23/1999	TOSHINAO KOMURO	21.1908	8151

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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

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DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/274,250

Applicant(s)

KOMURO, TOSHINAO

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected: _____
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined.
2. The amendment filed 4/12/04 has been entered.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al (6421675) and Gaffaney et al (5634008) and Finseth et al (6271840).
5. Regarding claim 2, Ryan et al show a viewer to display on a display unit images accessible by associated URL information (Figures 2, 3A, column 4 lines 30-42), comprising: a definition management note to store a number of times of display of an accessed image by the associated URL information (Figures 3B, 5, 7, column 2 lines 25-37, column 6 lines 5-12 and 29-50, column 9 lines 5-15), an importance degree unit to count the number of times of display of an accessed image by the URL information (column 9 lines 5-15 and 40-55, column 11 lines 45-68). Ryan et al do not specifically mention the threshold values corresponding to URL, or the subsequent setting of a

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mark when the counted number of times exceeds one of these threshold values, but do mention updating the count of web site hits (image access) (column 11 lines 40-50) to determine importance or relevance of a network site (website). Furthermore, Gaffaney et al show threshold values corresponding to identifying information and setting a mark when a count exceeds a threshold value (Figures 4A-B, column 2 lines 50-63, column 4 lines 42-50, column 8 lines 5-20), to determine relevance or importance to a network site. It would have been obvious to a person with ordinary skill in the art to have threshold values corresponding to identifying information and setting a mark when a count exceeds a threshold value, in Ryan et al, because it would provide a convenient way to determine importance or relevance of a network site in a system that updates counts of network site access. Neither Ryan et al nor Gaffaney et al specifically show details of displaying the importance mark per se on the display unit, but Gaffaney et al do show displaying alert and information marks on a terminal display (column 4 lines 1-12 and 26-33) to provide convenient access to the unique identifying information. It would have been obvious to a person with ordinary skill in the art to have the importance marks also displayed on a display unit, for the unique identifying information, because it would provide convenient access to identifying information. Neither Ryan et al nor Gaffaney et al show explicitly viewing the images, with the plurality of images all being associated with URL information and viewed, but Ryan et al does imply the viewer, and does mention retrieving the URLs. Furthermore, Finseth et al do show viewing the plurality of images and with them all associated with URL information (Figure 4, column 5 lines 1-40). It would have been obvious to include this

in the system of Ryan et al (as enhanced with Gaffaney et al), because it would provide a way to conveniently display the URL associated images.

6. Regarding claim 3, Ryan et al show the associated images themselves as the object counted (column 2 lines 25-37). The obviousness to threshold values is the same as above.

7. Regarding claims 4-5, the viewer is a browser and the identifying information is a URL (Ryan et al column 5 lines 34-38).

8. Regarding claim 6, the degree mark may be indicated by characters being displayed (Ryan et al Figure 6 for example) Note that this is all that is required to fulfil the claim recitation.

9. Regarding claim 8, in addition to the aforementioned, the information is relating to a web page (Ryan et al column 5 lines 30-40).

10. Regarding claim 7, when the threshold is exceeded, a process is designated (Gaffaney et al column 8 lines 5-20).

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11. Regarding claims 9-10 and 12, depending on the number of times counted, the web pages are 'registered' or called on hold in an order of their display frequency (Ryan et al column 12 lines 25-40 for example).

12. Regarding claim 11, when the URL is selected, it generates the web page (Ryan et al column 5 lines 30-40).

13. Claims 13-15 and 16-18 and 19-20 show the same features as claims 2-4 respectively and are rejected for the same reasons.

14. Regarding claims 21-22, in addition to the aforementioned, neither Ryan et al nor Gaffaney et al directly show the second or third visual emphasis, but Finseth et al show this in column 8 lines 17-50, column 10 lines 20-50. It would have been obvious to a person with ordinary skill in the art to include this in Ryan et al (as enhanced by Gaffaney et al) because it would be a convenient way to distinguish and mark the URLs.

15. Regarding claim 23, the documents and resources are in markup language (Ryan et al implicit).

16. Claim 24 is rejected for the same reasons as claim 21.

17. Claim 25 shows the same features as claim 21 and is rejected for the same reasons. Claim 26 shows the same features as claim 2 with the obviousness to combine the features of claim 21, as explained in paragraph 14 of this Office Action.

18. Applicant's arguments filed have been fully considered but they are not persuasive. The arguments regarding the viewer and multiple images are moot in view of the new reference Finseth et al. As per the counting, the number of times the image is accessed is performed in the art as described. The visual distinction is only brought out in claims 21-26, and the broadness of the earlier claims still does not distinguish the importance 'mark' beyond the art as described. The obviousness is valid, not only for the access to identifying information, but also because the art is analogous and relate to the activity and viewing over a network of images that are accessed and retrieved. The new claims are addressed by the new art.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN CAX
PRIMARY EXAMINER